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EXAMINER

PERSINO, RAYMOND B

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,132

Applicant(s)

BLOOMBERG ET AL.

Examiner

Raymond B. Persino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by SREY et al (US 6,141,436 A).

Regarding claim 13, SREY et al discloses a telephone handset comprising: an elongated housing having opposed major sides and opposed ends; a speaker positioned in the vicinity of a first end of the handset to transmit sound from a first major side of the handset; a microphone positioned in the vicinity of a second end of the handset to receive sound from a first major side of the handset; a finger-image sensor positioned in the vicinity of and spaced from the second end of the handset to sense a finger-image from a second major side of the handset; a contoured surface leading to the finger-image sensor to receive part of a human finger therein (see figures 3, 7 and column 6 lines 47 to column 7 line 15).

Regarding claim 16, SREY et al discloses A telephone handset comprising: an elongated housing having a first portion and a second portion projecting at an angle with respect to the first portion, the first portion being larger than the second portion; the first portion having opposed major sides; a speaker positioned in the vicinity of a first end of

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the first portion of the handset to transmit sound from a first major side of the handset; a finger-image sensor positioned in the vicinity of and spaced from a second end of the handset to sense a finger-image from a second major side of the first portion of the handset; the second portion of the handset having opposed major sides; the first and second portions being connected in the vicinity of the second end of the first portion and a first end of the second portion, and the first major side of the first portion and a first major side of the second portion forming an internal obtuse angle; a microphone positioned in the vicinity of a second end of the second portion of the handset to receive sound from the first major side thereof-, a contoured surface extending from the second end of the first portion leading to the finger-image sensor to receive part of a human finger therein (see figures 5, 7 and column 6 lines 47 to column7 line15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over WILLINS et al (US 2002/0152391 A1) in view of NOVIKOV et al (US 6,282,304 B1), CHANG et al (US 2002/0122415 A1), PATEL (US 2002/0174345 A1) and MOQUIN et al (US 2002/0106077 A1).

Regarding claim 1, WILLINS et al discloses a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication over the network, comprising: means for electronically authenticating a finger-image sensed by a finger image sensor of a computer terminal based on the finger-image related signals provided by that computer terminal (paragraphs 61-64); means responsive to the authenticating means for enabling the computer terminal in the network to access or otherwise participate in the performance of at least one network-related function and voice communication over the network at least from each computer terminal providing finger-image-related signals based upon which a sensed finger image was authenticated (paragraphs 66-69).

However, WILLINS et al does not disclose a telephone handset including a microphone, a speaker and the finger-image sensor, the handset being coupled to provide signals to and receive signals from the computer terminal for voice communication, and at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor. NOVIKOV et al discloses a finger-image sensor, coupled with a computer mouse, connected to a computer via a USB connection, to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor (figure 4 and column 8 lines 7-24 and column 9 lines 9-17).

However, NOVIKOV et al does not cure the deficiency of WILLINS et al of a telephone handset including a microphone, a speaker, the handset being coupled to provide signals to and receive signals from the computer terminal for voice

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communication. CHANG et al discloses a digital phone connected to a computer via a USB connection to perform voice over IP, the digital phone being coupled to provide signals to and receive signals from the computer terminal for voice communication (paragraphs 14-19). The examiner sees the significance of the teaching to be a finger-image sensor coupled with another device in a single housing wherein the single housing is connected to a computer via a USB cable. Thus It is contemplated the telephone structure of CHANG et al replace the mouse structure of NOVIKOV et al but retain the finger-image sensor. Further, this arrangement is evidenced by PATEL (see figure 6).

However, CHANG et al does not cure the deficiencies of WILLINS et al and CHANG et al that the digital phone/handset includes a microphone and a speaker. MOQUIN et al discloses a telephone handset usable with voice of IP connections that includes a microphone, a speaker (figure 1 and paragraphs 19 and 28).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of WILLINS et al, NOVIKOV et al, CHANG et al, PATEL and MOQUIN et al. WILLINS et al would benefit from the teaching of NOVIKOV et al by providing the finger-image sensor on a device coupled to the computer that is normally held in the hand. This is so in that it is more efficient to place the finger-image sensor in a close proximity to where the fingers normally are when the user is utilizing the computer. Moreover, the combination of WILLINS et al and NOVIKOV et al would benefit from the CHANG et al. Replacing the external device of the mouse with a telephone gives the user of the voice over IP service instant

familiarity of the interface when the interface is a telephone that the user is already familiar with. This arrangement is evidenced by PATEL (see figure 6). Lastly, NOVIKOV et al is silent regarding the telephone having a microphone and a speaker and CHANG et al teaches that the telephone/handset includes a microphone and a speaker for without it telephone functions would not be available.

Regarding claim 2, see the parent claim for the subject matter this claim depends from. WILLINS et al further discloses the enabling means enables voice communication to and from each handset providing finger-image-related signals based upon which a sensed finger-image was authenticated (paragraphs 66-69).

Regarding claim 3, WILLINS et al discloses a system for voice communication between computer terminals in a network, comprising: a plurality of computer terminals in the network; means for electronically authenticating a finger-image sensed by a finger image sensor of a computer based on the finger-image-related signals provided by that computer; means responsive to the authenticating means for enabling the handset that provided finger-image-related signals based upon which a sensed finger-image was authenticated to participate in voice communications over the network (paragraphs 66-69).

However, WILLINS et al does not disclose a telephone handset, coupled to each of the plurality of computer terminals, including a microphone, a speaker and the finger-image sensor, the handset being coupled to provide signals to and receive signals from the computer terminal for voice communication, and at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor.

NOVIKOV et al discloses a finger-image sensor, coupled with a computer mouse, connected to a computer via a USB connection, to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor (figure 4 and column 8 lines 7-24 and column 9 lines 9-17).

However, NOVIKOV et al does not cure the deficiency of WILLINS et al of a telephone handset including a microphone, a speaker, the handset being coupled to provide signals to and receive signals from the computer terminal for voice communication. CHANG et al discloses a digital phone connected to a computer via a USB connection to perform voice over IP, the digital phone being coupled to provide signals to and receive signals from the computer terminal for voice communication (paragraphs 14-19). The examiner sees the significance of the teaching to be a finger-image sensor coupled with another device in a single housing wherein the single housing is connected to a computer via a USB cable. Thus It is contemplated the telephone structure of CHANG et al replace the mouse structure of NOVIKOV et al but retain the finger-image sensor. Further, this arrangement is evidenced by PATEL (see figure 6).

However, CHANG et al does not cure the deficiencies of WILLINS et al and CHANG et al that the digital phone/handset includes a microphone and a speaker. MOQUIN et al discloses a telephone handset usable with voice of IP connections that includes a microphone, a speaker (figure 1 and paragraphs 19 and 28).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of WILLINS et al, NOVIKOV et al,

CHANG et al, PATEL and MOQUIN et al. WILLINS et al would benefit from the teaching of NOVIKOV et al by providing the finger-image sensor on a device coupled to the computer that is normally held in the hand. This is so in that it is more efficient to place the finger-image sensor in a close proximity to where the fingers normally are when the user is utilizing the computer. Moreover, the combination of WILLINS et al and NOVIKOV et al would benefit from the CHANG et al. Replacing the external device of the mouse with a telephone gives the user of the voice over IP service instant familiarity of the interface when the interface is a telephone that the user is already familiar with. This arrangement is evidenced by PATEL (see figure 6). Lastly, NOVIKOV et al is silent regarding the telephone having a microphone and a speaker and CHANG et al teaches that the telephone/handset includes a microphone and a speaker for without it telephone functions would not be available.

Regarding claim 4, see the parent claim for the subject matter this claim depends from. WILLINS et al further discloses that at least one of the computer terminals includes the means for authenticating (element 304 of figure 3 and paragraph 69).

Regarding claim 5, see the parent claim for the subject matter this claim depends from. WILLINS et al further discloses comprising a computer in the network, other than the computer terminals, that include the means for authenticating (element 304 of figure 3 and paragraph 69).

Regarding claim 6, see the parent claim for the subject matter this claim depends from. WILLINS et al further discloses that at least one of the computer terminals

includes the means responsive to the authenticating means (element 300 of figure 3 and paragraph 69).

Regarding claim 7, see the parent claim for the subject matter this claim depends from. WILLINS et al further discloses that at least one of the computer terminals includes the means responsive to the authenticating means (element 307 of figure 3 and paragraph 69).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over WILLINS et al (US 2002/0152391 A1) in view of NOVIKOV et al (US 6,282,304 B1), CHANG et al (US 2002/0122415 A1), PATEL (US 2002/0174345 A1) and MOQUIN et al (US 2002/0106077 A1) and further in view of MILLER (US 2003/0046557 A1).

Regarding claim 8, see the parent claim for the subject matter this claim depends from. However, neither WILLINS et al, NOVIKOV et al, CHANG et al, PATEL, nor MOQUIN et al disclose that the handset is keypadless and each computer terminal includes a computer input device by which information for accessing or otherwise participating in voice communications over the network is input to the computer terminal. MILLER et al discloses computer terminal that includes a computer input device by which information for accessing or otherwise participating in voice communications over the network is input to the computer terminal (paragraph 131 and figure 10). Therefore it would have been obvious to relocate the input device (keyboard) from the handset to the computer. It would enhance the usability of the computer to have its display be touch screen. Further, since the screen would be touch screen it would be redundant to provide the handset with the same capabilities.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over CHANG et al (US 2002/0122415 A1), in view of NOVIKOV et al (US 6,282,304 B1), PATEL (US 2002/0174345 A1) and MOQUIN et al (US 2002/0106077 A1).

Regarding claim 9, CHANG et al discloses a telephone handset for voice communication through a computer terminal including an interface coupling the handset with the computer terminal (paragraphs 14-19). However, CHANG et al does not disclose that the telephone handset includes a finger-image sensor for biometric identification. Further, CHANG et al does not disclose that the handset include a microphone; a speaker; circuitry coupled to the microphone and speaker that at least converts between analog and digital signals. NOVIKOV et al discloses a finger-image sensor, coupled with a computer mouse, connected to a computer via a USB connection, to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor (figure 4 and column 8 lines 7-24 and column 9 lines 9-17). The examiner sees the significance of the teaching to be a finger-image sensor coupled with another device in a single housing wherein the single housing is connected to a computer via a USB cable. Thus It is contemplated the telephone structure of CHANG et al replace the mouse structure of NOVIKOV et al but retain the finger-image sensor. Further, this arrangement is evidenced by PATEL (see figure 6). However, NOVIKOV et al does not cure CHANG et al's deficiency of not disclosing that the handset include a microphone; a speaker; circuitry coupled to the microphone and speaker that at least converts between analog and digital signals. MOQUIN et al discloses the handset, usable with voice of IP connections, include a microphone; a

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speaker; circuitry coupled to the microphone and speaker that at least converts between analog and digital signals (figure 1 and paragraphs 19 and 28). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of CHANG et al, NOVIKOV et al, PATEL and MOQUIN et al. CHANG et al would benefit from the teaching of NOVIKOV et al. Replacing the external device of the mouse with a telephone gives the user of the voice over IP service a means coupled with the handset to provide biometric data for authentication. This arrangement is evidenced by PATEL (see figure 6). Lastly, NOVIKOV et al is silent regarding the telephone having a microphone and a speaker and CHANG et al teaches that the telephone/handset includes a microphone and a speaker for without it telephone functions would not be available.

7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHANG et al (US 2002/0122415 A1), in view of NOVIKOV et al (US 6,282,304 B1), PATEL (US 2002/0174345 A1) and MOQUIN et al (US 2002/0106077 A1) and further in view of an examiner's official notice.

Regarding claim 10, see the parent claim for the subject matter this claim depends from. However, neither CHANG et al, NOVIKOV et al, PATEL, nor MOQUIN et al disclose a first universal serial bus (USB) interface coupled to the integrated circuitry; a second USB interface coupled to the finger-image sensor; the interface coupling the finger-image sensor and the circuitry with the computer terminal comprising a USB hub coupled to the first and second USB interfaces. Nevertheless the examiner takes official notice that it was known in the art at the time the invention was made to

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have 2 devices, each with USB interfaces, connected to a USB hub, which it then connected to a computer. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a first universal serial bus (USB) interface coupled to the integrated circuitry; a second USB interface coupled to the finger-image sensor; the interface coupling the finger-image sensor and the circuitry with the computer terminal comprising a USB hub coupled to the first and second USB interfaces. This allows more than one device to communicate with a single USB port on a computer.

Regarding claim 11, see the parent claim for the subject matter this claim depends from. CHANG et al further discloses a cable coupled to the USB hub and connectable to a USB port of a computer terminal (paragraph 14).

Regarding claim 12, see the parent claim for the subject matter this claim depends from. MOQUIN et al further discloses that the circuitry comprises a codec.

8. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over SREY et al (US 6,141,436 A) in view of HOLT (US 6,404,862 B1).

Regarding claim 14, SREY et al further discloses that the first major side is generally flat (see figures 3). However, SREY et al does not disclose not having a keypad thereon. HOLT discloses an audio device for interfacing with a telephone line that does not have a keypad (column 3 lines 7-10). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not have a keypad. If the device is to be used for authentication only there is no need for a keypad.

Regarding claim 17, SREY et al further discloses that the first major sides of the first and second portions are generally flat (see figures 5). However, SREY et al does not disclose not having a keypad thereon. HOLT discloses an audio device for interfacing with a telephone line that does not have a keypad (column 3 lines 7-10). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not have a keypad. If the device is to be used for authentication only there is no need for a keypad.

9. Claims 15, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over SREY et al (US 6,141,436 A) in view of an examiner's official notice.

Regarding claims 15, SREY et al does not disclose a button projecting from the first end of the handset coupled to or forming part of a hook switch. Nevertheless the examiner takes official notice that it is well known to utilize a hook switch on a telephone device. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a hook switch on the handset. This allows the user to flash over and take a call waiting call.

Regarding claims 18, SREY et al does not disclose button projecting from the first end of the handset coupled to or forming part of a hook switch. Nevertheless the examiner takes official notice that it is well known to utilize a hook switch on a telephone device. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a hook switch on the handset. This allows the user to flash over and take a call waiting call.

Regarding claim 19, SREY et al discloses a telephone handset comprising: an elongated housing having opposed major sides; a speaker positioned in the vicinity of a first end of the handset to transmit sound from a first major side of the handset; a microphone positioned in the vicinity of a second end of the handset to receive sound from a first major side of the handset; a finger-image sensor positioned in the vicinity of and spaced from a second end of the handset to sense a finger-image from a second major side of the handset (see figures 3, 7 and column 6 lines 47 to column 7 line 15). However, SREY et al does not disclose a bracket positioned in the upper part of the handset configured to receive and engage a projection from which the handset can be suspended; the first major side of the handset having a straight portion or portions configured to contact a flat or generally flat surface when the handset is suspended by the bracket pressed against the flat or generally flat surface by a finger received in the finger image sensor so as to stably maintain the handset during sensing of the finger. Nevertheless the examiner takes official notice that it is well known in the art at the time the invention was made to include a bracket on the top of a handset so that it may be suspended. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the bracket. This gives the handset a means by which to be hung so that it can take up less desk/work space.

Regarding claim 20, SREY et al discloses a telephone handset comprising: an elongated housing having a first portion and a second portion projecting at an angle with respect to the first portion, the first portion being larger than the second portion; the first portion having opposed major sides; a speaker positioned in the vicinity of a first end of

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the first portion of the handset to transmit sound from a first major side thereof, a finger-image sensor positioned in the vicinity of and spaced from a second end of the handset to sense a finger-image from a second major side of the first portion of the handset; the second portion of the handset having opposed major sides; the first and second portions being connected in the vicinity of the second end of the first portion and a first end of the second portion, the first major side of the first portion and a first major side of the second portion forming an internal obtuse angle; a microphone positioned in the vicinity of a second end of the second portion of the handset to receive sound from the first major side thereof (see figures 5, 7 and column 6 lines 47 to column 7 line 15).

However, SREY et al does not disclose a bracket positioned in the upper part of the handset configured to receive and engage a projection from which the handset can be suspended; the first major sides of the first and second portions of the handset each having a straight portion which contacts a flat or generally flat surface when the handset is suspended by the bracket pressed against the flat or generally flat surface by a finger received in the finger-image sensor to maintain the handset steady during sensing of the finger. Nevertheless the examiner takes official notice that it is well known in the art at the time the invention was made to include a bracket on the top of a handset so that it may be suspended. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the bracket. This gives the handset a means by which to be hung so that it can take up less desk/work space.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Raymond B. Persino
Examiner
Art Unit 2682

RP
June 26, 2003


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
6/30/03